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18 Attorneys for Plaintiff
The Guardian Insurance and Annuity Company, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 THE GUARDIAN LIFE INSURANCE
 2 AND ANNUITY COMPANY, a
 3 corporation,

4 Plaintiff,

5 vs.

6 CARLA M. UNTERMANN, an individual;
 7 PHILLIP UNTERMANN, an individual;
 8 BRENDA CAMILLI, an individual; LISA
 9 CAMILLI, an individual; KATHLEEN
 10 BUTLER CAMILLI, an individual;
 11 RICHARD L. CAMILLI, an individual;
 12 DOLPH F. CAMILLI, an individual;
 13 DIANNE R. ABRAHAM, an individual;
 14 DOUGLAS J. CAMILLI, an individual;
 15 BRUCE P. CAMILLI, an individual;
 16 SPCA OF SAN MATEO, California,
 17 business entity, form unknown; DIANNE
 18 R. ABRAHAM, as Successor Trustee of
 19 the Dolph L. Camilli Bypass Trust;
 20 WILLIAM H. SHEA, JR., as Successor
 21 Trustee of the Gerda M. Camilli Survivor
 22 Trust; CHRIS CAMILLI, an individual;
 23 and Does 1 through 10, inclusive,

24 Defendants.

25 Case No. C-07-3557-CEB

26 Complaint Filed: July 10, 2006

27 STIPULATION AND ~~PROPOSED~~ ORDER
 28 RE CONTINUANCE OF CASE
 MANAGEMENT CONFERENCE,
 EXTENSION OF TIME TO ACCOMPLISH
 SERVICE ON DEFENDANTS, AND
 EXTENSION OF TIME FOR DEFENDANTS
 TO RESPOND TO COMPLAINT

30 Hon. Charles E. Breyer

31 The parties, through their counsel of record, request that the case management conference
 32 set for October 19, 2007, be continued to May 9, 2008. The parties also request that the Court
 33 issue an order extending the time for service of Plaintiff's complaint, which was filed on July 10,
 34 2007, and extending the time for all defendants to respond to the complaint.

35 This is an interpleader action involving multiple defendants. Counsel for Trustees Mr.
 36 Shea and Ms. Abraham has advised the Guardian Life Insurance Company (Guardian) that the
 37 Trustees are attempting to contact and obtain stipulations from all other defendants that the order
 38 issued by the Superior Court of San Mateo County, California, on November 17, 2006,
 39 supersedes the beneficiary designations executed by decedent Gerda M. Camilli with regard to
 40 the 1997 and 1999 Guardian annuity contracts. Such stipulations will most likely resolve the
 41 issues underlying Guardian's complaint and request for declaratory judgment.

42 The Guardian is in the process of serving the defendants. To keep costs down, it has
 43 requested that the defendants accept service by mail pursuant to Rule 4 of the Federal Rules of

1 Civil Procedure, but only a few defendants have responded. The Guardian is attempting to
2 confirm the contact information for the defendants who have not responded. In addition, two of
3 the defendants are located outside the United States (Switzerland and Germany). If they do not
4 accept service by mail, the Guardian may have to effect service through formal diplomatic
5 channel procedures. Accordingly, the Guardian requires additional time, at least another six
6 months, to locate and serve all of the defendants. The parties stipulate that the Guardian be
7 given an extension of time until April 15, 2008 to accomplish service on the defendants. The
8 parties further stipulate that Trustees Shea and Abraham accept service of the complaint, and that
9 the time for all defendants to respond to the complaint is extended to the latter of April 25, 2008
10 or the time prescribed in Rule 12 of the Federal Rules of Civil Procedure, for the reasons
11 described above. No other extensions have previously been requested.

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13 IT IS SO STIPULATED:

14 Dated: September 7, 2007

15 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN
16 Professional Law Corporation

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18 By: _____ /s/
19 Jeffrey R. Loew
Attorneys for Defendant Trustee
William H. Shea, Jr.

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1 Dated: September 7, 2007
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3 LAW OFFICES OF JOHN G. CLARK
4

5 By: _____ /s/
6 John G. Clark
7 Attorney for Defendant Trustee
Diane R. Abraham
8

9 Dated: September 7, 2007
10

11 BURKE, WILLIAMS & SORENSEN LLP
12

13 By: _____ /s/
14 Keiko J. Kojima
15 Attorney for Plaintiff
The Guardian Insurance and Annuity Company, Inc.
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I, Jeffrey R. Loew, hereby attest that John G. Clark, counsel for Defendant Trustee Diane R. Abraham, and Keiko J. Kojima, counsel for Plaintiff, concur in the filing of this Stipulation.

Dated: September 7, 2007

By: _____ /s/
Jeffrey R. Loew

ORDER

IT IS ORDERED that the case management conference is continued from October 19, 2007, to May 9, 2008, at 8:30 a.m.

IT IS FURTHER ORDERED that the Guardian be given an extension of time until April 15, 2008 to accomplish service on the defendants;

IT IS FURTHER ORDERED that the time for all defendants to respond to the complaint is extended to the latter of April 25, 2008 or the time prescribed in Rule 12 of the Federal Rules of Civil Procedure.

Dated: Sept. 19, 2007